

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE	: 15 Civ. 7547 (VSB)
COMMISSION,	:
	:
Plaintiff,	:
	:
v.	:
	:
JASON W. GALANIS, JOHN P.	:
GALANIS, JARED M. GALANIS,	:
DEREK M. GALANIS, GARY T. HIRST,	:
and GAVIN L. HAMELS,	:
	:
Defendants.	:
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**DECLARATION OF VINCENT FILARDO, JR., ESQ. IN SUPPORT OF
MISHCON DE REYA NEW YORK LLP'S MOTION TO WITHDRAW
AS COUNSEL TO DEFENDANT GARY T. HIRST**

VINCENT FILARDO, JR., ESQ. declares the following pursuant to 28 U.S.C. § 1746:

1. I am an attorney licensed to practice in the State of New York and a partner with Mishcon de Reya New York LLP ("Mishcon"), counsel to Defendant Gary T. Hirst ("Defendant"). I respectfully submit this Declaration in support of Mishcon's Motion to Withdraw as Counsel for Defendant ("Motion"). This Declaration is based upon my personal knowledge, except for those matters asserted herein upon information and belief, and as to those matters, I believe them to be true.

2. On February 3, 2015, Defendant engaged Mishcon as his legal counsel with former-Mishcon partner Joshua S. Sohn, Esq. acting as his primary counsel. On the same day, Defendant executed a written engagement agreement setting forth the terms of his attorney-client relationship with Mishcon. Mr. Sohn and Mishcon were engaged by defendant to assist him in connection with an investigation by the Securities and Exchange Commission ("SEC") into his activities as president and chairman of Gerova Financial Group, Ltd. ("Investigation").

3. On September 24, 2015, contemporaneous with the unsealing of a parallel criminal indictment, the SEC filed a civil complaint against Defendant.

4. On December 1, 2015, the Court entered a stipulated order that the SEC's civil action against all defendants would be stayed pending resolution of the parallel criminal proceedings against defendants ("Stay Order").

5. Under the terms of the Stay Order, Defendant has 60 days following entry of judgment against all defendants in the parallel criminal action to move, answer, or otherwise respond to the civil complaint.

6. During the first half of 2016, Mr. Sohn began the process of resigning from his partnership with Mishcon.

7. Upon information and belief, during the last week of May, 2016, Mr. Sohn, who had not entered an appearance in this action, informed Mishcon that he would not be seeking to represent Defendant at his new firm, Watson Farley & Williams, and asked that Mishcon continue to represent Defendant.

8. On or about May 31, 2016, Mr. Sohn's resignation from Mishcon became effective.

9. On June 8, 2016, I filed a notice of appearance in this action.

10. During the last half of 2016, I made several attempts to contact Defendant but only succeeded in speaking with Defendant's criminal defense counsel, Michael Tremonte, Esq., who told me that he speaks to Defendant daily and he would relay my message to Defendant and, further, that Defendant or Mr. Tremonte would respond to me. I asked Mr. Tremonte whether there was any other contact information for Defendant, but he declined to provide such information.

11. As of the date of this declaration, Defendant has not responded to any of my messages, nor made any effort to otherwise contact me.

12. Moreover, since November 2016, Mr. Tremonte stopped responding to my messages, and has not returned my telephone calls.

13. In what appears to be a companion action to this case, Mr. Tremonte is also Defendant's sole counsel. Three of Defendant's former attorneys in that case (Matthew J. Mueller, Gianluca Morello, and Cameron G. Stout), and their law firm (Wiand Guerra King, P.A.), have recently withdrawn from their representation of Defendant due to his nonpayment of their legal fees. See *SEC v. Devon Archer, et al.*, 16-cv-3505 (WHP) (AJP) (S.D.N.Y. 2016) (Docket No. 120). As he did not likewise withdraw from that case, I believe Mr. Tremonte to still be in contact with Defendant.

14. On or about February 28, 2017, Mishcon was served with a status report by Nancy A. Brown, Esq., counsel for the SEC, stating that criminal proceedings were complete for all of the defendants except Defendant and Gavin Hamels.

15. On March 16, 2017, the sentencing date for Defendant, previously set for March 17, 2017, was adjourned by the court in the criminal action to a date to be later determined by that court.

16. On March 22, 2017, the United States filed its sentencing submission in the criminal action, containing, *inter alia*, a proposed restitution order for Defendant.

17. On March 24, 2017 an Order was issued by the court in the criminal action setting Defendant's sentencing date for June 12, 2017.

18. Defendant has been non-communicative and continues to be so, such that Mishcon has been unable to effectively represent Defendant in this action.

19. Defendant has past due invoices to Mishcon from June 10, July 19, August 12, October 7, November 4, and December 8 of 2015, and February 5 and September 13 of 2016, all but the last of which predate my notice of appearance, and reflect costs and expenses incurred by Mr. Sohn or at his direction.

20. Mishcon's legal fees remain unpaid as of March 2017. However, Mishcon will not be asserting a retaining or charging lien.

21. On March 20, 2017, I informed Defendant, by electronic mail to Mr. Tremonte, that, under the foregoing circumstances, Mishcon could not continue as Defendant's counsel in this action. In this message I further stated Mishcon's preference to effectuate its withdrawal by stipulation with Defendant. As of the below date, neither I nor Mishcon have received any response from either Defendant or Mr. Tremonte.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of April, 2017 in New York, New York.

/s/ Vincent Filardo, Jr.
Vincent Filardo, Jr.